

HOUSE No. 883

By Mr. Jones of North Reading, petition of Bradley H. Jones, Jr., and others for legislation to further regulate persons convicted of sex offenses. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Bradley H. Jones, Jr.	Susan Williams Gifford
Mary S. Rogeness	Robert S. Hargraves
George N. Peterson, Jr.	Daniel K. Webster
John A. Lepper	Lewis G. Evangelidis
Viriato Manuel deMacedo	Karyn E. Polito
Elizabeth A. Poirier	Paul J.P. Loscocco
Jeffrey Davis Perry	Shirley Gomes
Donald F. Humason, Jr.	Michael J. Coppola
Susan W. Pope	Todd M. Smola
Bradford Hill	Richard J. Ross

In the Year Two Thousand and Five.

AN ACT RELATIVE TO SEX OFFENDERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 178D of Chapter 6 of the General Laws,
2 as amended by chapter 77 of the acts of 2003, is hereby amended
3 by inserting, in subparagraph (a) of the first paragraph, after the
4 words “work address”, the following:— secondary addresses, if
5 applicable, and.

1 SECTION 2. Clause (ii) of the second paragraph of section
2 178D of chapter 6 of the General Laws, as amended by chapter
3 140 of the acts of 2003, is hereby amended by inserting after the
4 word “address;” the following:—
5 and any secondary addresses where the offender spends sub-
6 stantial amount of time and stays overnight or both;

1 SECTION 3. Subdivision (1) of paragraph (a) of section 178H
2 of chapter 6 of the General Laws, as appearing in the 2002 Offi-
3 cial Edition, is hereby amended by adding at the end thereof the
4 following:—

5 A person convicted under this subsection, who has been adjudi-
6 cated or convicted, on or after August 1, 1981, of any of the
7 following crimes: indecent assault and battery on a child under 14
8 under section 13B of chapter 265; indecent assault and battery on
9 a mentally retarded person under section 13F of said chapter 265;
10 indecent assault and battery on a person age 14 or over under
11 section 13H of said chapter 265; rape under section 22 of said
12 chapter 265; rape of a child under 16 with force under section 22A
13 of said chapter 265; rape and abuse of a child under section 23 of
14 said chapter 265; assault with intent to commit rape under section
15 24 of said chapter 265; assault of a child with intent to commit
16 rape under section 24B of said chapter 265; kidnapping of a child
17 under section 26 of said chapter 265; any attempt to commit a vio-
18 lation of any of the aforementioned sections pursuant to section 6
19 of chapter 274 or a like violation of the laws of another state, the
20 United States or a military, territorial or Indian tribal authority
21 shall, in addition to the term of imprisonment authorized by this
22 section, be punished by a term of community parole supervision
23 for life, to be served under the jurisdiction of the parole board, as
24 set forth in section 133D of chapter 127.

25 The sentence of community parole supervision for life shall
26 commence immediately upon the expiration of the term of impris-
27 onment imposed upon such person by the court or upon such per-
28 son's release from probation supervision or upon the expiration of
29 a continuance without a finding or upon discharge from commit-
30 ment to the treatment center pursuant to section 9 of chapter
31 123A, whichever occurs first.

1 SECTION 4. Subdivision (2) of said paragraph (a) of said
2 section 178H, as so appearing, is hereby amended by striking out
3 lines 11 and 12 and inserting in place thereof the following:—

4 (2) A second and subsequent conviction under this subsection
5 shall be punished by imprisonment in the state prison for not less
6 than five years.

7 A person convicted under this subsection, who has been adjudi-
8 cated or convicted, on or after August 1, 1981, of any of the
9 following crimes: indecent assault and battery on a child under 14
10 under section 13B of chapter 265; indecent assault and battery on
11 a mentally retarded person under section 13F of said chapter 265;
12 indecent assault and battery on a person age 14 or over under
13 section 13H of said chapter 265; rape under section 22 of said
14 chapter 265; rape of a child under 16 with force under section 22A
15 of said chapter 265; rape and abuse of a child under section 23 of
16 said chapter 265; assault with intent to commit rape under section
17 24 of said chapter 265; assault of a child with intent to commit
18 rape under section 24B of said chapter 265; kidnapping of a child
19 under section 26 of said chapter 265; any attempt to commit a vio-
20 lation of any of the aforementioned sections pursuant to section 6
21 of chapter 274 or a like violation of the laws of another state, the
22 United States or a military, territorial or Indian tribal authority
23 shall, in addition to the term of imprisonment authorized by this
24 section, be punished by a term of community parole supervision
25 for life, to be served under the jurisdiction of the parole board, as
26 set forth in section 133D of chapter 127.

27 The sentence of community parole supervision for life shall
28 commence immediately upon the expiration of the term of impris-
29 onment imposed upon such person by the court or upon such per-
30 son's release from probation supervision or upon the expiration of
31 a continuance without a finding or upon discharge from commit-
32 ment to the treatment center pursuant to section 9 of chapter
33 123A, whichever occurs first.

1 SECTION 5. Paragraph (b) of subsection (2) of section 178K of
2 chapter 6 of the General Laws, as so amended by chapter 77 of the
3 acts of 2003, is hereby amended by inserting, in the fifth sentence,
4 after the word "Investigation" the following sentences:—

5 No sex offender designated as a level 2 offender shall establish
6 a home address or intended home address or any other living
7 accommodation within 1,000 feet of the property on which any
8 public or private school, licensed day care center, or any other
9 child care facility is located; nor within 1,000 feet of the property
10 on which said sex offender's former victim or victims, or said vic-
11 tim's immediate family members reside. Nor shall the sex

12 offender accept employment within 1,000 feet of the property on
13 which any public or private school, licensed day care center, or
14 any other child care facility is located; nor within 1,000 feet of the
15 property on which the offender's former victim or victims, or the
16 victim's immediate family members reside. Nor shall the sex
17 offender establish living conditions within, be placed in, or be
18 transferred to any state owned, operated, or funded housing or any
19 facility contracted with the state within one mile of the property
20 on which any public or private school, licensed day care center, or
21 any other child care facility is located.

1 SECTION 6. Paragraph (c) of said subsection (2) of said
2 section 178K of said chapter 6, as so amended, is hereby amended
3 by inserting, in the fifth sentence, after the word "town" the
4 following sentences:—

5 No sex offender designated as a level 3 offender shall establish
6 a home address or intended home address or any other living
7 accommodation within 1,000 feet of the property on which any
8 public or private school, licensed day care center, or any other
9 child care facility is located; nor within 1,000 feet of the property
10 on which said sex offender's former victim or victims, or said vic-
11 tim's immediate family members reside. Nor shall the sex
12 offender accept employment within 1,000 feet of the property on
13 which any public or private school, licensed day care center, or
14 any other child care facility is located; nor within 1,000 feet of the
15 property on which the offender's former victim or victims, or the
16 victim's immediate family members reside. Nor shall the sex
17 offender establish living conditions within, be placed in, or be
18 transferred to any state owned, operated, or funded housing or any
19 facility contracted with the state within one mile of the property
20 on which any public or private school, licensed day care center, or
21 any other child care facility is located.

1 SECTION 7. Clause (ii) of said paragraph (c) of said subsec-
2 tion (2) of said section 178K, as so amended, is hereby amended
3 by inserting after the word "address;" the following:—

4 and any secondary addresses where the offender spends sub-
5 stantial amount of time and stays overnight or both;

1 SECTION 8.

2 (A) This section may be known and cited as the “Joanne and
3 Alyssa Act.”

4 (B) Notwithstanding any general or special law to the contrary,
5 there is hereby established a special commission to consist of the
6 following individuals and organizations: the secretary of health
7 and human services or his designee, the commissioner of mental
8 health or his designee, the attorney general or his designee, the
9 commissioner of public safety or his designee, the commissioner
10 of the department of correction or his designee, the commissioner
11 of the department of social services or his designee, one member
12 from the sex offender registry board, one member from the
13 Massachusetts district attorneys association, one member from the
14 Massachusetts office of victim assistance, one member from the
15 Massachusetts parole board, one member from governor’s com-
16 mission on sexual and domestic violence, one member from the
17 Massachusetts society for prevention of cruelty to children, and
18 two members of the public appointed by the governor, one of
19 whom shall be the chairman.

20 The commission is established for the purpose of conducting a
21 review of the existing sex offender registry and the current state of
22 identification of sex offenders. The review shall include, but not
23 be limited to, a financial review of the sex offender registry board,
24 the feasibility and merit of using technology to track sex
25 offenders, including, but not limited to, global positioning sys-
26 tems, the resources available to the board, the number of cases
27 pending before the board, the turnover of cases at the board, the
28 average time to classify sex offenders, the number of unclassified
29 sex offenders, a review of the board guidelines given to police
30 departments and the communication system between the board
31 and state and local police departments and current training of
32 local and state police of current sex offender registry guidelines
33 and policies.

34 Said commission shall convene on or before October 1, 2005
35 and shall file a report not later than March 1, 2006 with the gov-
36 ernor, the clerks of the senate and house of representatives, and
37 the joint committee on criminal justice. Said report shall include
38 but not be limited to, recommendations for establishing, imple-
39 menting and improving training programs and services and

40 proposing appropriate statutory and regulatory changes for the
41 purpose of reducing the number of crimes by initial and repeat sex
42 offenders, including proposed language to implement lifetime
43 parole for sex offenders. In addition, said commission shall make
44 a formal request to the secretary of health and human services that
45 he shall compile and maintain a list of state owned, operated, or
46 funded housing or any facility contracted with the state, including
47 their addresses, whose residents include one or more level 2 or
48 level 3 sex offenders as defined in section 178C of chapter 6 of
49 the General Laws. This list shall be made available to the public
50 along with the additional findings of said commission.

1 SECTION 9. This act shall take effect upon its passage.